

REMARKS

Claims 1-18 have been previously canceled, claims 19, 20, 22, 28, 29, 33 and 34 are amended and no new claims have been added or canceled by way of this response. Thus, claims 19-38 are currently pending and presented for examination. Applicants respectfully request reconsideration and allowance of the pending claims in view of the foregoing amendments and the following remarks.

Response to Rejections Under Section 112:

Claims 19-38 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants have amended claims 19, 20, 22, 28, 29, 33 and 34 to resolve the indefiniteness issues identified by the Examiner, thus, withdraw the section 112 rejections is respectfully requested.

Response to Rejections Under Section 103:

Claims 19-22:

Claims 19-22 stand rejected under 35 U.S.C § 103(a) as being obvious over Tokyo Shibaura Electric (TSE) (JP 49-040239).

Applicants claims 19 and 22 recite in part, "...less than 1.0 % aluminum (wt%)..." and claim 21 recites in part "...0.1 to 0.5% aluminum...." Furthermore, Applicants disclose that the claimed range of Aluminum results in improved high temperature corrosion resistance and improved ductility and crack resistance (paragraphs 00011-00014 of specification).

In contrast, TSE teaches a composition having between 1-7 % aluminum for improved high temperature resistance and is silent as to ductility and crack resistance. Moreover, TSE teaches away from Applicants invention by teaching that the corrosion resistance of the alloy decreases with decreasing aluminum content and 1.0% being an acceptable minimum (page 4 lines 17-23 and Table 1).

Applicants respectfully submit that claims 19, 21 and 22 are patentable as well as claim 20 based at least on its dependency from claim 19 as well as on its own merit.

Claims 22-26 and 34-36:

Claims 22-26 and 34-36 stand rejected under 35 U.S.C § 103(a) as being obvious over Tokyo Shibaura Electric (TSE) (JP 49-040239) in view of Applicants Admissions. Applicants respectfully submit that independent claim 22 is patentable as discussed above as well as claims 23-26 based at least on their dependency from claim 22 as well as on their own merit.

Applicants claim 34 recites in part, "...less than 1.0 % aluminum (wt%)..." which is identical to the limitation recited in claims 19 and 21. Applicants respectfully submit that the arguments for claims 19 and 22 above apply to claim 34 as well.

Claims 37 and 38:

Claims 37 and 38 stand rejected under 35 U.S.C § 103(a) as being obvious over TSE in view of Applicants Admissions and further in view of Lau (EP 1 122 329). Applicants respectfully submit the claims 37 and 38 are patentable based at lease on their dependency on claim 34 as well as on their own merit.

In view of the above, Applicants respectfully request the Examiner withdraw the section 103 rejections.

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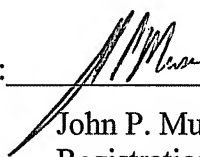
Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, Applicants respectfully request that the Examiner reconsider the objections and rejections and timely pass the application to allowance. All correspondence should continue to be directed to our below-listed address. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including fees for additional claims and terminal disclaimer fee, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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